

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

James Gunderson,

Case No. 23-CV-00423 (JMB/DLM)

Petitioner,

v.

ORDER

Federal Medical Center – Rochester,

Respondent.

James Gunderson, Rochester, MN, self represented.

Ana H. Voss and Lucas B. Draisey, United States Attorney's Office, Minneapolis, MN, for Respondent Federal Medical Center – Rochester.

This matter is before the Court on the Report and Recommendation (R&R) of United States Magistrate Douglas L. Micko, dated May 30, 2025. (Doc. No. 13.) The R&R recommends that Petitioner James Gunderson's petition for a writ of habeas corpus, in which Gunderson seeks a determination that he is eligible to earn First Step Act time credits (FTCs), be denied on grounds that Gunderson is serving a sentence for an offense that is ineligible for FTCs and because his sentence cannot be divided into segments that are eligible to earn FTCs. (*See id.*) Neither party has objected to the R&R, and the time to do so has now passed. *See* D. Minn. L.R. 72.2(b)(1).

In the absence of timely objections, the Court reviews the R&R for clear error. *See* Fed. R. Civ. P. 72(b); *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam). Finding no clear error, and based upon all the files, records, and proceedings in the above-

captioned matter, IT IS HEREBY ORDERED THAT:

1. The R&R (Doc. No. 13) is ADOPTED.
2. The Court dismisses this action without prejudice.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: July 2, 2025

/s/ Jeffrey M. Bryan

Judge Jeffrey M. Bryan
United States District Court